

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	Case No. 22-CR-00115
v.)	
)	Honorable John Robert Blakey
MICHAEL J. MADIGAN,)	
)	
Defendant.)	
)	

DEFENDANT MICHAEL J. MADIGAN’S MOTION TO STRIKE

Michael J. Madigan, by his undersigned counsel, moves this Court for an order striking confidential financial information improperly disclosed in the Government’s Response to Madigan’s Sentencing Memorandum and, in support, states:

1. Local Rule 32.1 addresses presentence investigation reports and states clearly, “The report shall not be disclosed to any person or agency without the written permission of the sentencing judge.” (N.D. Ill. L. Cr. R. 32.1(j)). Further, the rule makes clear, “Unauthorized copying, *dissemination, or disclosure of the contents of the report in violation of these rules may be treated as contempt of court* and punished accordingly.” *Id.* (emphasis added)

2. Local Rule 32.3 states clearly, “Records maintained by the Probation Office of this court relating to the preparation of presentence investigation reports ... *are confidential*. Information contained in the records that is relied on by the Probation Office to prepare presentence investigation or supervision reports may be released only by order of the Court.” (N.D. Ill. L. Cr. R. 32.3(1)) (emphasis added).

3. The Seventh Circuit has warned against the “indiscriminate use of the content of the PSR.” *United States v. Kelly*, 314 F.3d 908, 913 (7th Cir. 2003). Rightfully so, the Seventh Circuit has described situations where the government gratuitously discloses information from the PSR as “improper.” See *United States v. Menting*, 166 F.3d 923, 928 (improper to use PSR to show jury had sufficient evidence to support its guilty verdict).

4. The defendant correctly emphasized in his filings that he derived zero personal financial gain from his convictions. Rather than address this fact with evidence, the government resorted to empty rhetoric about “lining his pockets”—a claim they know to be patently false since not a single dollar from these charges ever reached Madigan personally. In an inappropriate attempt to bolster their weak response, the government gratuitously plastered Madigan’s estimated net worth in a public court filing (Dkt. 432, p. 4 *citing* PSR ¶ 121). This inclusion was not just improper—it was a calculated breach of Local Rule 32 and the Seventh Circuit’s directive.

5. Madigan dedicated over sixty years to public service as both legislator and lawyer. He chose frugality over extravagance, remaining in the same modest home for more than fifty years while making prudent savings and investment choices. The government offers zero evidence—absolutely nothing—to justify broadcasting specific details about his net worth. The government's decision to splash his personal financial information across a public filing represents a gross breach of the rules.

6. As anticipated, the Tribune and other media outlets pounced on the

confidential information the government recklessly exposed.¹ The damage is done—this private data now lives permanently in the press. While striking this confidential information from the government’s filing may appear futile, the Court must send a stern reminder to future defendants that their sensitive disclosures to the Probation Office will receive proper protection and will not be carelessly dumped onto the public docket.

7. The defendant respectfully requests that this Court strike the confidential Presentence Investigation Report information disclosed in the Government’s Response to Madigan’s Sentencing Memorandum, Dkt. 432, p. 4 *citing* PSR ¶ 121.

Dated: June 9, 2025

Respectfully submitted,

By: /s/ Daniel J. Collins
Daniel J. Collins, Esq. (ARDC #6224698)
Lari A. Dierks, Esq. (ARDC # 6329610)
Katten Muchin Rosenman LLP
525 West Monroe Street
Chicago, Illinois 60661
(312) 902-5434
Daniel.Collins@Katten.com
Lari.Dierks@Katten.com

By: /s/ Thomas M. Breen
Thomas M. Breen, Esq. (ARDC
#0287547)
Todd S. Pugh, Esq. (ARDC #6243692)
Breen & Pugh
53 West Jackson Blvd., Suite 1550
Chicago, Illinois 60604
(312) 360-1001
tbreen@breenpughlaw.com
tpugh@breenpughlaw.com

Attorneys for Michael J. Madigan

¹ Jason Meisner and Ray Long, Madigan attorneys say feds’ call for 12.5-year sentence is ‘draconian’; prosecutors say he’s worth ... in new court filings, June 7, 2025, available at <https://www.chicagotribune.com/2025/06/07/madigan-attorneys-call-prosecutors-sentencing-request-draconian/>.